

RECEIVED & FILED

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Larry & Patsy Rieger, trustees
The Larry L. Rieger and Patsy R. Rieger Revocable Trust dtd 8/14/91
2615 Glen Eagles Drive
Reno, NV 89523

U.S. BANKRUPTCY COURT
DISTRICT OF NEVADA

April 17, 2007

U.S. Govt. Bankruptcy Court
300 S. Las Vegas Blvd.
Las Vegas, NV 89101
VIA CERTIFIED MAIL

Re: DE #3135 filed on 3/23/07
Amended Notice of Hearing
Regarding Fifth Omnibus Objection of USA Commercial Mortgage Company
To Claims Asserting Secured Status

Based on documentation submitted in support of our proof of claim, we are opposing the objection to relief in this matter. In regard to the Amesbury Hatters Point loan, breach of fiduciary duty was carried on post-petition in the same manner as pre-petition, specifically deeded releases of collateral were granted by USACM without collecting principal repayment from the borrower as per the terms of the loan agreement and the loan servicing agreement. The proportionate amount of our claim applicable to this post-petition breach (\$32,844.00) should be classified as priority status.

This letter should be regarded as our compliance with Local Rule 3007(b), as written response served to the objecting party and filed with the Court.

Thank you,


Larry L. Rieger, Trustee


Patsy R. Rieger, Trustee

(775) 746-1439

Case Number: 06-10725, Proof of Claim #10725-01739

Cc:
Lewis and Roca
Susan M. Freeman
Rob Charles
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996

Copy

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA		PROOF OF CLAIM	
Name of Debtor: USA Commercial Mortgage Company		Case Number: 06-10725-LBR	
NOTE: See Reverse for List of Debtors and Case Numbers. This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court or BMC Group in this case. <input type="checkbox"/> Check box if this address differs from the address on the envelope sent to you by the court.	
Name of Creditor and Address: Larry L. Rieger & Patsy R. Rieger Revocable Trust Dated 8/14/91 c/o Larry L. & Patsy R. Rieger, Trustees. 2615 Glen Eagles Drive Reno, NV 89523-2080		DO NOT FILE THIS PROOF OF CLAIM FOR A SECURED INTEREST IN A BORROWER THAT IS NOT ONE OF THE DEBTORS. If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again. THIS SPACE IS FOR COURT USE ONLY	
Creditor Telephone Number () (775) 746-1439			
Last four digits of account or other number by which creditor identifies debtor: 2658			
Check here <input type="checkbox"/> If this claim replaces or amends a previously filed claim dated:			
1. BASIS FOR CLAIM <input type="checkbox"/> Goods sold <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input checked="" type="checkbox"/> Unremitted principal <input type="checkbox"/> Services performed <input type="checkbox"/> Taxes <input type="checkbox"/> Wages, salaries, and compensation (fill out below) <input checked="" type="checkbox"/> Other claims against servicer (not for loan balances) <input type="checkbox"/> Money loaned <input type="checkbox"/> Other (describe briefly)			
Last four digits of your SS #: _____ Unpaid compensation for services performed from: _____ to _____			
2. DATE DEBT WAS INCURRED: 7/24/03 - 4/30/06			
3. IF COURT JUDGMENT, DATE OBTAINED: N/A			
4. CLASSIFICATION OF CLAIM. Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed. See reverse side for important explanations.			
UNSECURED NONPRIORITY CLAIM \$ 260,008.00 <input checked="" type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.			
UNSECURED PRIORITY CLAIM <input checked="" type="checkbox"/> Check this box if you have an unsecured claim, all or part of which is entitled to priority. Amount entitled to priority \$ 32,844.00 Specify the priority of the claim: <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B) <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,000)*, earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).			
SECURED CLAIM <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief description of collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Value of Collateral: \$ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$			
<input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input checked="" type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (). * Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.			
5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED: (unsecured) \$ 260,008.00 (secured) \$ 32,844.00 (priority) \$ \$292,852.00 (Total)			
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.			
6. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.			
7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.			
The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units). BY MAIL TO: BMC Group Attn: USACM Claims Docketing Center P. O. Box 911 El Segundo, CA 90245-0911		THIS SPACE FOR COURT USE ONLY FILED DEC 11 2006	
BY HAND OR OVERNIGHT DELIVERY TO: BMC Group Attn: USACM Claims Docketing Center 1330 East Franklin Avenue El Segundo, CA 90245			
DATE 11/10/2006	SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): Larry L. Rieger, Trustee Patsy R. Rieger, Trustee		
Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571			



LEWIS
AND
ROCA
LLP
LAWYERS

E-Filed on 3/23/07

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC, Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

NOTICE OF HEARING REGARDING
SECOND OMNIBUS OBJECTION OF
THE USACM LIQUIDATING TRUST
TO CLAIMS ASSERTING PRIORITY
STATUS

Hearing Date: April 26, 2007
Hearing Time: 9:30 a.m.

THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT
YOU FILED. THIS IS NOT AN OBJECTION TO THE VALIDITY OR AMOUNT
OF YOUR CLAIM, RATHER IT ARGUES THAT YOUR CLAIM IS NOT
ENTITLED TO PRIORITY STATUS. THE DEADLINE TO RESPOND TO THE
OBJECTION IS APRIL 19, 2007. PLEASE DO NOT CONTACT THE CLERK OF
THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM.
QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A

18	Hill, Robert W 4900 San Timoteo Ave Nw Albuquerque, NM 87114-3813	10725-00356	10/2/2006	\$800.39	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
19	Houghton Dental Corp Psp F/B/O Geraldine Houghton 2871 Pinla Perris, CA 92571	10725-01257	11/9/2006	\$400,000.00	S P, U -- Unknown	Claim is not entitled to priority status and should be classified as a general unsecured claim.
20	John W Brouwers Md Sep Ira 2333 Dolphin Ct Henderson, NV 89074-5320	10725-00806	10/30/2006	\$163,611.11	S, P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
21	Johnson, Tamara 310 Parkhurst Dr Caldwell, Id 83605	10725-00277	9/27/2006	\$40,000.00	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
22	Kenneth Addes IRA 100 W Broadway Apt 7V Long Beach, NY 11561-4019	10725-01620	12/8/2006	\$113,416.64	S, P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.
23	Kiven, Norman Andrew J. Abrams ESQ Sugar Friedberg & Felsenthal LLP 30 N LaSalle St. Ste 3000 Chicago, IL 60602	10725-01478	11/15/2006	\$48,248.00	P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.
24	Larry L & Patsy R Rieger Revocable Tr Dtd 8/14/91 Larry L & Patsy R Rieger Ttees 2615 Glen Eagles Dr Reno, Nv 89523-2080	10725-01739	12/11/2006	\$292,852.00	P, U	Claim is not entitled to priority status and should be classified as a general unsecured claim.
25	Lawson, Paula M Po Box 18652 Reno, NV 89511-0652	10725-01117	11/8/2006	\$45,110.52	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.
26	Lee, Devin 7493 Big Cottonwood Ct. Las Vegas, NV 89123	10725-00943	11/2/2006	Blank	P	Claim is not entitled to priority status and should be classified as a general unsecured claim.

2nd Objection to Claims
Asserting Priority Status

EXHIBIT A